

2024

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

GAMING MACHINE AMENDMENT BILL 2023

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
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Minister for Gaming
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Overview

This supplementary explanatory statement outlines proposed amendments to the *Gaming Machine Amendment Bill 2023* (the Bill) as presented to the Legislative Assembly, to be moved by the Minister for Gaming.

The Government Amendments will address a potential gap with respect to licences and authorisation certificates for class B gaming machines. It will ensure that the Gambling and Racing Commission cannot issue authorisation certificates for class B gaming machines in Molonglo Vally and other undeveloped areas in the ACT, which could potentially occur under the current provisions of the *Gaming Machine Act 2004* in the context of an acquisition of a business from a holder of a class B licence. The amendment aligns with the intent of the Bill to prevent authorisation certificates from being issues for gaming machines in the Molonglo Valley and other undeveloped areas.

The Government Amendments also makes a correction to remove reference to the repealed *Planning and Development Act 2007* and substitutes it to refer to the *Planning Act 2023*.

Human rights implications

As discussed in the Bill's explanatory statement, the Bill will support the *Human Rights Act 2004*, including section 11, the Right to protection of the family and children, and section 15, the Right to peaceful assembly and freedom of association.

The Bill and Government Amendments may limit the right to equality before the law under section 8 of the *Human Rights Act 2004*.

The objective sought to be achieved by the Bill is to minimise gambling harm in the ACT and, specifically, in the Molonglo Valley and undeveloped areas in the ACT. The effect of the Bill limits the right to equality by limiting accessibility of gaming machines in those affected localities.

Gaming machines remain a prevalent and harmful form of gambling. Gambling on gaming machines is among the highest prevalence gambling activities in the ACT and accounts for the largest share of all gambling turnover and losses. For 2022-23, a total of \$188.5 million was lost on gaming machines in the ACT.

The 2019 ACT Gambling Survey identified that around one in five (19.7%) or 64,500 of ACT adult residents had used electronic gaming machines in the prior year. Of this cohort, 26 per cent reported one or more gambling harms on the Short Gambling Harm Screen, which is a validated measure of gambling harm.¹

¹ Paterson, M., Leslie, P. & Taylor M (2019) 2019 ACT Gambling Survey, ANU Centre for Gambling Research.

The effect of the Bill to ban electronic gaming machines in Molonglo Valley and undeveloped areas in the ACT will contribute to achieving a reduction in the prevalence of gambling harm in the ACT on the premise that, as research has shown, proximity to venues with poker machines poses greater risks to experiencing gambling harm.²³

The Explanatory Statement accompanying the Bill noted that Molonglo Valley residents supported a community in the area without poker machines.

The Government Amendment addresses the risk of for-profit venues, such as hotel or pubs, of establishing a presence in the Molonglo Valley or other undeveloped areas and, in the process of acquiring a relevant business, being issued a class B licence and authorisation certificate. The Government considers this restriction on issuing class B licences and authorisation certificates to be aligned to the intent of the Bill and to be proportional to reasonably achieving the purpose of the Bill by minimising risks to current and future residents of affected areas experiencing gambling harm due to proximity to venues with gaming machines. While the Bill and Government Amendment will limit the accessibility of gaming machines in the Molonglo Valley and undeveloped areas of the ACT, residents in these areas are not precluded from travelling to other parts of the ACT to use gaming machines.

² Markham, F & Doran, B (2012) Too close to home? The relationships between residential distance to venue and gambling outcomes, *International Gambling Studies*, 12:2, 257-273.

³ Marshall, D., McMillan, J., Niemeyer, S. & Doran, B (2004) *Gaming Machine Accessibility and use in Suburban Canberra: A Detailed Analysis of the Tuggeranong Valley*, ANU Centre for Gambling Research.

Clause notes

1

Proposed new clause 10A

Page 3, line 18

This clause inserts new section 29 (5) Class B licence and authorisation certificate – decision on application.

This new section provides that the commission must not issue an authorisation certificate to the applicant, under section 28 of the *Gaming Machine Act 2004*, if the premises for which the authorisation certificate is sought are located in—

- (a) Molonglo Valley; or
- (b) an undeveloped area

2

Clause 21

Page 5, line 23

This amendment corrects the reference to the repealed *Planning and Development Act 2007*, section 234, and substitutes it with the *Planning Act 2023*, section 256.